

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 24 September 2004. Responsive to the rejections made in the Official Action, Claim 1 has been amended to clarify the combination of elements that form the invention of the subject Patent Application and Claims 2-6 have been cancelled by this Amendment.

In the Official Action, the Examiner objected to the disclosure due to an informality therein. Accordingly, the Specification has been amended to correct the informality kindly noted by the Examiner.

In the Official Action, the Examiner rejected Claims 1-3 and 6 under 35 U.S.C. § 102, as being anticipated by Chubb, U.S. Patent #4,349,975. The Examiner stated that the Chubb reference disclosed a key comprising a blade 16, a bow 18, a hole 40 along the periphery of the bow to receive an ornamental element 22, a means 24 which is transparent to retain the ornamental element in the hole, a bottom wall 30 and a force-fitting means 72, 74, 76, 82, 84, 80, 78 to retain the lid 24 in place, which also allows the lid to be released if desired to remove the ornamental element.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to first briefly review the structure of the invention of the subject Patent Application, as now claimed. The invention of the subject Patent Application is directed to a key, the key having a blade and a bow formed on an

end of the blade. The bow has a pair of opposing faces, a first hole is formed through the opposing faces and a second hole is also formed through the opposing faces, the second hole being adjacent an outer end of the bow. The key also includes an ornamental member mounted in the first hole of the bow. The key includes a transparent casing having opposing front and back walls spaced from each other and joined by an end wall extending around a perimeter of the front and back walls to define a compartment therebetween. The casing has a first opening in a distal end thereof in open communication with the compartment. The bow is disposed in the compartment to thereby retain the ornamental member in the hole of the bow. The blade extends through the first opening of the casing and the casing has a pair of second openings respectively formed in aligned relationship through the front and back walls. The pair of second openings is disposed in at least partially aligned relationship with the second hole of the bow.

In contradistinction, the Chubb reference discloses a key attachment, wherein the key 12 having a head (bow) 14 and a shank (blade) 16 is joined to a handle 18 by receiving the head 14 within a recess 40 of the handle 18 with the shank 16 passing through a through opening 44 formed in the distal end of the handle 18. The head 14 is retained within the recess 40 by a filler piece 20. Overlaying the head 14 within the recess 40 is a sheet material (ornamental member) 22 which is overlaid and retained by a transparent cover 24 having

outwardly extending lugs 70, 72, 74 and 76 formed thereon for respective engagement within the holes 78, 80, 82 and 84 formed in the sides of the handle 18.

Thus, the reference fails to disclose a bow (head 14) having first and second holes formed through opposing faces thereof, wherein an ornamental member is mounted in the first hole of the bow. The handle 18 is not the bow of the key, as suggested by the Examiner, as such is not “formed on” the end of the blade. It is only the head 14 which is formed on the end of the shank 16. Arguendo, even if the handle 18 could be considered equivalent to Applicant’s bow, the reference fails to disclose or suggest a transparent casing having opposing front and back walls spaced from each other and joined by an end wall extending around a perimeter of the front and back walls to define a compartment therebetween. Further, the reference fails to disclose or suggest the bow being disposed in the compartment of the transparent casing to thereby retain the ornamental member in the hole of the bow, and further fails to disclose a casing having a pair of second openings respectively formed in a lined relationship through the front and back walls, the pair of second openings being disposed in at least partially aligned relationship with the second hole of the bow. Therefore, as the reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, as now claimed, it

cannot anticipate that invention. Further, as the reference fails to suggest such a combination of elements, it cannot make obvious that invention either.

In the Official Action, the Examiner rejected Claims 1 and 4-6 under 35 U.S.C. § 102, as being anticipated by Bolton, U.S. Patent 6,308,542. The Examiner stated that the reference, in the embodiment of Figs. 21-25, disclosed a key comprising a blade, a bow 204 having a hole through the periphery of the bow to receive an ornamental element 230 in the hole, and retaining means defined by a transparent molded casing 228 that accommodates the bow.

It is respectfully submitted that the Bolton reference discloses a key assembly wherein the key blank 200 has a bow formed by the legs 202 and 204 and the part 212 joining the legs. A blade (unnumbered) extends from the bow. The bow has an opening formed between the legs 202 and 204 into which an ornamental member defined by the holder 214 is disposed within the opening between the legs 202 and 204. A head cover 226 is molded over the assembly of the bow and ornamental member, and may be formed of a transparent material. As the cover is molded onto the key blank, it is not formed with a compartment nor a first opening in a distal end thereof in open communication with the compartment. Further, the opening which is formed adjacent an outer edge of the cover is formed through a solid portion thereof, and thus is not a pair of second openings respectively formed in aligned relationship through the front and back walls, and is not disposed in at least partially aligned relationship with

the second hole of the bow, the bow of the reference system having only a single hole. Even if the contoured opening between the legs 202 and 204 were to be considered two distinct holes, the holder, equivalent to Applicant's ornamental member, is received within both holes, and the opening in the cover of the referenced system is not aligned with any openings of the key blank.

Thus, the reference fails to disclose a bow formed on an end of the blade having first and second holes formed through opposing faces of the bow, the second hole being adjacent an outer end thereof. Further, the reference fails to disclose a transparent casing having opposing front and back walls spaced from each other and joined by an end wall extending around a perimeter of the front and back walls to define a compartment therebetween. Still further, the reference fails to disclose the transparent casing having a pair of second openings respectively disposed in aligned relationship through the front and back walls, the pair of second openings being disposed in at least partially aligned relationship with the second hole of the bow. Therefore, as the reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, as now claimed, it cannot anticipate that invention. Further, as the reference fails to disclose such a combination of elements, it cannot make obvious that invention either.

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For all of the foregoing reasons, it is now believed that the subject Patent Application has been placed in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE

A handwritten signature in black ink, appearing to read "David I. Klein". The signature is fluid and cursive, with a large initial "D" and "K".

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